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PTO/SB/21 (08-00)

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|  |                      |                                  |
|--|----------------------|----------------------------------|
| <b>TRANSMITTAL FORM</b><br><br><i>(to be used for all correspondence after initial filing)</i> | Application Number   | 09/927,422                       |
|  | Filing Date          | August 10, 2001                  |
|  | First Named Inventor | Gary VAN NEST                    |
|  | Group Art Unit       | 1632                             |
|  | Examiner Name        | To Be Assigned                   |
| Total Number Of Pages In This Submission   | 11                   | Attorney Docket No. 377882001420 |

**ENCLOSURES (check all that apply)**

|  |   |   |
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| <input type="checkbox"/> Fee Transmittal Form                                | <input type="checkbox"/> Assignment Papers (for an Application)                         | <input type="checkbox"/> After Allowance Communication to Group   |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences   |
| <input type="checkbox"/> Amendment / Reply                                   | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition   | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declarations                             | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                           | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):   |
| <input type="checkbox"/> Express Abandonment Request                         | <input type="checkbox"/> Terminal Disclaimer  | 1. Copy of Notice to Comply with attached document (2 pages)  |
| <input type="checkbox"/> Information Disclosure Statement                    | <input type="checkbox"/> Request for Refund   | 2. Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (2 pages) |
| <input type="checkbox"/> Certified Copy of Priority Document(s)              | <input type="checkbox"/> CD, Number of CD(s) _____                                      | 3. Paper copy of the "Sequence Listing" (6 pages)   |
| <input type="checkbox"/> Response to Missing Parts/incomplete Application    | Remarks   | 4. Computer readable form (CRF) copy of the "Sequence Listing"  |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |   | 5. Return Receipt Postcard.   |

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

|                         |   |
|-------------------------|---|
| Firm or Individual Name | Morrison & Foerster LLP, 755 Page Mill Rd, Palo Alto, CA 94304-1018 |
| Signature               | <i>Karen R. Zachow</i>  |
| Date                    | March 13, 2002  |

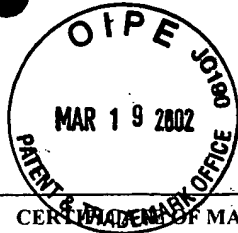
**CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on March 13, 2002.

*March 13, 2002*  
Date

*Hazel M. Raskowitz*  
Hazel M. Raskowitz

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#9

PATENT  
Docket No. 377882001420

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*Hazel M. Raskowitz*  
Hazel M. Raskowitz

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Gary VAN NEST et al.

Serial No.: 09/927,422

Filing Date: August 10, 2001

For: BIODEGRADABLE  
IMMUNOMODULATORY  
FORMULATIONS AND METHODS  
FOR USE THEREOF

Examiner: To be assigned

Group Art Unit: 1632

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

U.S. Patent and Trademark Office  
Box Sequence, P.O. Box 2327  
Arlington, VA 22202

Dear Sir:

In response to the Notice to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed on January 18, 2002, requesting a new computer readable form (CRF), please find enclosed a paper and computer-readable copy of the Sequence Listing.

The undersigned hereby states that the content of the attached papers and the computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same.


This paper is submitted to comply with the United States Patent Office rules governing gene sequences. No new matter is added.

In the unlikely event that the transmittal letter is separated from this sequence listing and the U.S. Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this sequence listing to our Deposit Account No. 03-1952. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

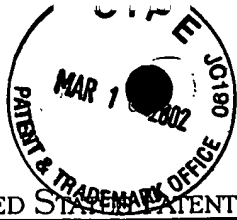
Dated: March 13, 2002

By:

  
\_\_\_\_\_  
Karen R. Zachow  
Registration No. 46,332

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| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/927,422         | 08/10/2001          | Gary Van Nest         | 377882001420           |

CONFIRMATION NO. 6952

FORMALITIES LETTER



\*OC000000007333182\*

 Karen R. Zachow  
 Morrison & Foerster LLP  
 755 Page Mill Road  
 Palo Alto, CA 94304-1018

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JAN 28 2002

MORRISON &amp; FOERSTER, LLP

Date Mailed: 01/18/2002

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

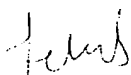
Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

*A copy of this notice **MUST** be returned with the reply.*

  
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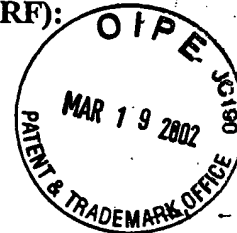
PART 2 - COPY TO BE RETURNED WITH RESPONSE

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CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/927,422  
Filing Date: 8/10/2001  
Date Processed by STIC: 1/9/2002



STIC Contact: Mark Spencer, 703-308-4212

Nature of Problem:

The CRF (was):

- (circle one) Damaged or Unreadable (for Unreadable, see attached)
- Blank (no files on CRF) (see attached)
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- Virus-infected. Virus name: \_\_\_\_\_ The STIC will not process the CRF.
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- Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should **only** be the Sequence Listing.
- Did not contain a Sequence Listing. (see attached sample)
- Other: \_\_\_\_\_

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Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom, including:

1. EFS-Bio (<http://www.uspto.gov/ebc/efs/downloads/documents.htm>), **EFS Submission User Manual - ePAVE**)

2. U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202

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U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7<sup>th</sup> Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202

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U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

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